

REMARKS

Claims 1-30 remain pending in the application. Claims 1, 3 to 4, 8, 12, 15, 18, 25 and 28 have been amended. No claims have been added. No claims have been canceled.

It is respectfully requested that the present amendments to the claims be entered into the record.

Information Disclosure Statement

An Information Disclosure Statement accompanies this Amendment.

It is respectfully submitted that the document “*Extensions to a Method for Transmitting PPP Over Ethernet (PPPoE) – Carrel et al., 2000*” referenced in the IDS was published less than one year prior to the priority date of the present application and that this published document a “Publication of Applicant’s Own Invention” and is consequently not adverse prior art in the present application (see MPEP §715.01(c)).

Claim Rejections

35 USC §112, Second Paragraph

Claims 1 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner has written “*the phrase to insert a route is unclear*” and the examiner has stated that “*insert a route*” has been interpreted to mean “*establishing a connection*” for purposes of examination. That interpretation is respectfully traversed.

The Examiner has further written “*It is not clear how a route can be inserted to a server. This type of terminology is not known in the art.*” (emphasis added)

It is respectfully submitted that support is found, *inter alia*, in the specification for inserting a route, for example, into a host. For example, the specification Paragraph [00018] lines 15-17 recites, in part, “*The host 401 inserts a route to the content server 415 with the information from the RAC 413 and a route to the content server 417 with the information from the RAC 411.*” (emphasis added). It is a “route to the content server” that is inserted as contrasted with the hypothetical insertion (ostensibly contemplated by the Examiner) *into a content server*, of a “route” (which hypothetical insertion may indeed be unclear in the present context).

Thus, respectfully, the rejection of claims 1 and 18 under 35 USC §112, Second Paragraph is **traversed**. It is respectfully requested that the Examiner reconsiders claims 1 and 18 without the supposition that “*insert a route*” means “*establishing a connection*” but rather that “*insert a route*” takes its ordinary meaning in the relevant arts.

The Examiner has written “*Claims 1 and 18 recite the limitation “the one of the plurality in line 8. There is insufficient antecedent basis...”*”. Claims 1 and 18 have been amended to replace the phrase with clearer language believed to be properly definite. It is respectfully submitted that the new formal language is substantially equivalent to the prior informal language and that a new search is not required on grounds of these amendments to claims 1 and 18. Therefore, reconsideration and

withdrawal of this rejection of claims 1 and 18 under 35 U.S.C. §112, second paragraph, is respectfully requested.

35 USC §103

The Examiner has written “*Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel (US Patent No 6,850,982) in view of Chiles et al (US Patent Publication No 2001/0036192).*” In the light of the Examiner’s comments following, this is taken to be a rejection, of claims 1 - 4, 8 – 10, 12, 13 and 15 to 30.

In regards to claim 1, it is respectfully submitted that the Office Action does not show where all the limitations of claim 1 are taught, disclosed or rendered obvious by Siegel in view of Chiles. For example, claim 1 recites, in part, “*to insert a route*” which is not found in the cited prior art.

Considering first the Examiner’s stated position as to claim 1 and the arts of Siegel in view of Chiles, it is respectfully submitted that “*that network information is applied to the host packet*” is well-known in the art to include purposes materially other than “*to insert a route*” and well-known that the two are distinct in the art. Therefore, it is respectfully submitted that the Office Action fails to show where Siegel in view of Chiles explicitly or implicitly discloses, teaches or renders obvious how “*to insert a route*”.

For at least this reason it is respectfully requested that the rejections of claim 1 under 35 USC §103 be withdrawn.

In regards to independent claims 8, 12, and 18, it is respectfully submitted that the Office Action similarly fails to show where the respective claim limitation “*to insert a route*” is found in the cited prior art. For at least this reason it is respectfully requested that the rejections of claims 8, 12, and 18, under 35 USC §103 be withdrawn.

Claims 2-4, 9-11, 13-14, and 19-21 are each dependent, directly or indirectly, upon claims 8, 12, or 18 and therefore it is respectfully submitted that claims 2-4, 9-11, 13-14, and 19-21 are allowable for at least the same reasons as claims 8, 12, or 18. For at least this reason it is respectfully requested that the rejections of claims 2-4, 9-11, 13-14, and 19-21, under 35 USC §103 be withdrawn.

In regards to independent claims 25, it is respectfully submitted that the Office Action similarly fails to show where the respective claim limitation “*to insert a route*” is found in the cited prior art.

Further in regards to independent claim 25, it is respectfully submitted that the Office Action similarly fails to show where all the claim limitations are found or rendered obvious in the cited art. For example, claim 25 recites, in part, “...*a single host establishing **multiple simultaneous PPPoE sessions** for access to different ones of a plurality of content servers ...*”.(emphasis added). Additionally, claim 1 requires, in part “ ... *inserting a route...*” for **each** of the “ ... *multiple simultaneous PPPoE sessions...*” the “*single host*” establishes. But Siegel and Chiles are silent as to “**multiple simultaneous PPPoE sessions**”, much less “ ... *inserting a route...[for] ... multiple simultaneous PPPoE sessions*” for a **single** host. Thus, it is respectfully

submitted that Siegel and Chiles, separately or in combination, cannot teach or render obvious all the limitations of the claim 25. For any or all of the reasons stated above, it is respectfully requested that the rejection of claim 25, under 35 USC §103 be withdrawn.

Claims 26 and 27 are each dependent upon claim 25 therefore it is respectfully submitted that claims 26 and 27 are allowable for at least the same reasons as claim 25. For at least this reason it is respectfully requested that the rejections of claims 26 and 27, under 35 USC §103 be withdrawn.

In regards to claim 22 it is respectfully submitted that the Office Action does not show where all are the claim limitations are to be found or rendered obvious in the prior art. For example, claims 22 recites, in part “...*establishing **multiple simultaneous PPPoE sessions for a **single** host to access a plurality of content servers*** ...”. (emphases added). But Siegel and Chiles are silent as to multiple simultaneous PPPoE sessions for a single host and thus cannot teach or render obvious all the limitations of claim 22. For at least this reason it is respectfully requested that the rejection of claims 22 , under 35 USC §103 be withdrawn.

Claims 23 and 24 are each dependent upon claim 22 therefore it is respectfully submitted that claims 23 and 24 are allowable for at least the same reasons as claim 22. For at least this reason it is respectfully requested that the rejections of claims 23 and 24, under 35 USC §103 be withdrawn.

And again similarly, claim 28 recites, in part, “...*a host device to distinguish **simultaneous PPP sessions** ...*”.(emphasis added, note plural sessions). But Siegel

and Chiles are silent as to “multiple simultaneous PPP sessions”, much less “ ... *based on messages having network data embedded within a data link layer of the messages*” and thus cannot teach or render obvious all the limitations of claim 28. For at least this reason it is respectfully requested that the rejection of claims, under 35 USC §103 be withdrawn.

Claims 29 and 30 are each dependent upon claim 28 therefore it is respectfully submitted that claims 29 and 30 are allowable for at least the same reasons as claim 28. For at least this reason it is respectfully requested that the rejections of claims 29 and 30 under 35 USC §103 be withdrawn.

As to claim 15, an amendment has been made that, it is respectfully submitted, makes claim 15 allowable for substantially the same reasons as claim 1. Also claims 16 and 17 are dependent on claim 15 and therefore it is respectfully submitted are allowable for at least the same reasons as claim 15. Examination on the merits and allowance of claims 15-17 is respectfully requested.

The Examiner has written “ *Claims 5-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel (US Patent No 6,850,982) in view of Chiles et al (US Patent Publication No 2001/0036192) in further view of Araujo et al (US Patent No 6,112,245).*” In the light of the Examiner’s comments following, it is assumed this rejection also includes claims 11 and 14.

It is respectfully submitted that claims 11 and 14 are allowable for at least the reasons recited *supra*. For at least this reason it remains respectfully requested that the rejections of claims 11 and 14, under 35 USC §103 be withdrawn.

As to claim 5, it is respectfully submitted that the Office Action does not show where the recited art discloses, teaches or renders obvious all the limitations of claim 5. For example, claim 5 recites, in part, “...*establishing a second session with the data link layer protocol between the host and a remote access concentrator without terminating the first session...*”.

The Examiner has written “...*establishing a second session with the data link layer protocol between the host and a remote access concentrator without terminating the first session (column 2 lines 1-15 & 25-50 and column 17 lines 10-14).*” This is apparently a reference to Siegel.

It is respectfully submitted that Siegel teaches multiple data pathways within a single session rather than establishing a **second** (or multiple) concurrent session(s) between a host and another networked entity. Siegel contains no suggestion that his data pathways are equivalent to sessions.

Not only does Siegel fail to explicitly disclose or teach concurrent plural sessions with a single remote concentrator, but Siegel does not render this concept obvious. Siegel fails to render multiple concurrent sessions between a single host and a single concentrator obvious at least because Siegel actually *teaches away* from such an approach by suggesting it is advantageous to use a single session. Please refer to Siegel column 1 line 65 through column 2 line 5 “*In contrast, the invention is directed to techniques for managing communication between a client and multiple servers using **multiple pathways in a single connection session** between the client and a network device (e.g., content switch). This eliminates the need to reform a*

connection to the client and greatly improves overall system performance.”(emphasis added). Since Siegel teaches away from the above discussed aspect of claimed invention Siegel’s teaching do not render it obvious and therefore the Office Action does not make a *prima facie* showing of obviousness. For at least this reason it is respectfully requested that the rejections of claim 5 under 35 USC §103 be withdrawn.

Moreover claims 6 and 7 are each dependent upon claim 5 and therefore it is respectfully submitted that claims 6 and 7 are allowable for at least the same reasons as claim 5. For at least this reason it is respectfully requested that the rejections of claims 6 and 7, under 35 USC §103 be withdrawn.

It is respectfully requested that the application be examined in the light of the Amendment, the IDS and the remarks above. It is respectfully submitted that all rejections have been overcome and that all pending claims 1-30 are in condition for allowance. An early notice of allowance is respectfully and earnestly sought.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 (Pacific time) to help expedite timely disposition of this case.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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(Monday)


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